

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FILED  
U.S. DISTRICT COURT

2014 DEC 17 PM 3:01

S.D. OF N.Y.W.P.

Ismail Roman Jr

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

**COMPLAINT  
FOR EMPLOYMENT  
DISCRIMINATION**

Labor Ready Northeast Inc.

Jury Trial: ☐ Yes ☐ No

(check one)

(In the space above enter the full name(s) of the defendant(s).  
If you cannot fit the names of all of the defendants in the space  
provided, please write "see attached" in the space above and  
attach an additional sheet of paper with the full list of names.  
Typically, the company or organization named in your charge  
to the Equal Employment Opportunity Commission should be  
named as a defendant. Addresses should not be included here.)

14 CIV. 9964

JUDGE ROMAN

This action is brought for discrimination in employment pursuant to: (check only those that apply)

☒

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

**NOTE:** In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

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Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.

**NOTE:** In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.

☐

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.

**NOTE:** In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

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New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

☐

New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).

**I. Parties in this complaint:**

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Ismail Roman Jr  
 Street Address 124 Bedell Rd  
 County, City Dutchess, Poughkeepsie  
 State & Zip Code NY 12603  
 Telephone Number 845 616-3105

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name Labor Ready Northeast, Inc  
 Street Address 1015 A Street  
 County, City Tacoma  
 State & Zip Code Tacoma, WA 98402  
 Telephone Number 253-383-9101

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer Labor Ready Northeast Inc  
 Street Address 411 Broadway  
 County, City Orange, Newburgh  
 State & Zip Code NY 12550  
 Telephone Number 845 502-1920

**II. Statement of Claim:**

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: (check only those that apply)

☐ Failure to hire me.  
☒ Termination of my employment.  
☐ Failure to promote me.  
☐ Failure to accommodate my disability.  
☒ Unequal terms and conditions of my employment.

1

Retaliation.

XOther acts (specify): Discrimination

**Note:** Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

B. It is my best recollection that the alleged discriminatory acts occurred on: 8/14/13 - 8/20/13  
Date(s)

C. I believe that defendant(s) (check one):

       is still committing these acts against me.

X is not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and explain):



race



color



gender/sex



religion



national origin



age.

My date of birth is 6/8/1969 (Give your date of birth only if you are asserting a claim of age discrimination.)



disability or perceived disability,

(specify)

E. The facts of my case are as follow (attach additional sheets as necessary):

On 8/14/2013 and 8/20/13 I was discriminated against by my District Manager Chris Miller. I reported this to the Human Resource Department (Melanie Rivera) in a email dated 8/26/13. It was never followed up on and I was fired on 8/28/13.

Please see attached papers filled with the EEOC

**Note:** As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.

### III. Exhaustion of Federal Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: 9/5/13 (Date).

B. The Equal Employment Opportunity Commission (check one):

\_\_\_\_\_ has not issued a Notice of Right to Sue letter.

X issued a Notice of Right to Sue letter, which I received on Sept 19, 14 (Date).

*Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.*

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one):

✓ 60 days or more have elapsed.

\_\_\_\_\_ less than 60 days have elapsed.

#### IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows: loss of wages for one year including

bonuses. \$75,000. Loss of Health Insurance, Dental Insurance, 401K  
matches, Employee Stock discounts \$50,000, Costs \$3,000 = \$128,000 - \$100K Damages  
(Describe relief sought, including amount of damages, if any, and the basis for such relief.) Total \$228,000

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 17<sup>th</sup> day of December, 2014

Signature of Plaintiff

Address

[Signature]  
124 Bedell Rd  
Poughkeepsie NY 12603

Telephone Number

Fax Number (if you have one)

(845) 616-3105

[Signature]

DENNIS CONN  
Notary Public, State of New York  
No. 01CO4787853  
Qualified in Dutchess County  
Commission Expires November 30, 2017



December 23, 2013

Ms. Judy Keenan  
U.S. EEOC  
33 Whitehall Street  
5<sup>th</sup> Floor  
New York, NY 10004-2112

Re: Ismael Roman v. Labor Ready Northeast, Inc.  
EEOC Charge No.: 520-2013-03155

**This is a confidential response that contains material protected by attorney-client privilege, trade secret and privacy law and is only intended as part of an attempt to conciliate or settle the above referenced matter. This may not be used for any other purpose.**

Dear Ms. Keenan:

TrueBlue, Inc. (formerly Labor Ready, Inc.) is a company that greatly respects and values the abilities and talents of its employees. The Company's commitment to ethics and fair treatment of its employees forms the foundation for the entire organization.

TrueBlue, Inc. is a company with multiple brands, which includes Labor Ready Northeast, Inc. as one of its wholly-owned subsidiaries. Labor Ready Northeast, Inc. ("Labor Ready") currently has twenty (20) branches located in the state of New York. In regard to the above-referenced matter, Labor Ready hereby submits the following response.

#### COMPANY BACKGROUND

TrueBlue, Inc. and its family of companies are the leading providers of temporary manual labor. TrueBlue is an equal opportunity employer, committed to diversity and fair employment practices. Each year, Labor Ready's branches dispatch approximately 600,000 temporary workers to more than 300,000 customers in a wide variety of industries including construction, transportation, warehousing, hospitality, landscaping, manufacturing, distribution and sanitation.

TrueBlue recognizes the importance of treating its employees fairly. In order to ensure compliance with all aspects of employment law and regulations, TrueBlue has instituted training resources that specifically address discrimination and harassment. *Please see the Employee Handbook sections pertaining to equal employment opportunity and harassment/discrimination attached hereto as Exhibit A.*

In order to provide an opportunity for all of its employees to voice their concerns, TrueBlue implemented an employee engagement program called ComplianceAlert. Posters

**LABOR READY**

**SPARTAN**

**CLP**

**Plano**

**CENTERLINE**

the TRUEBLUE companies

1015 A Street, Tacoma, WA 98402, 800-610-8920, TrueBlue.com, NYSE Symbol: TB

advertising ComplianceAlert are posted in every branch. The ComplianceAlert establishes a confidential, multi-language, whistleblower solution that gives employees a viable resource to address workplace concerns 24 hours a day, seven days a week via telephone or online at anytime. All employees can submit concerns or suggestions online at <http://TrueBlueComplianceAlert.com> or via phone at 855-70-ALERT. Telephone calls are answered "live" by a third-party call center and callers are given clear instructions in terms of how to follow-up. Each matter is handled by fully trained, full-time human resources specialists who investigate and resolve all complaints. This program reinforces accountability and is instrumental in preventing fraud, harassment, discrimination, policy violations and other abusive actions. *ComplianceAlert Poster, attached hereto as Exhibits B.*

Labor Ready's employees are expected and required to observe the highest standards of integrity in daily operations. Labor Ready has adopted a Code of Business Conduct and Ethics which applies to all employees of Labor Ready. (*See attached Labor Ready Code of Business Conduct and Ethics as Exhibit "C"*)

### **FACTUAL EVIDENCE**

Ismael Roman "Complainant" began his employment with Labor Ready Northeast, Inc. as a Branch Manager in Training on August 1, 2007 at branch 1768, located at 405-411 Broadway, Newburgh, New York. On August 9, 2007, Complainant completed his training and became a Branch Manager. In April of 2012, Complainant became a Multi-Branch Manager for Branches 1768 and 1767, which is located in White Plains, New York. He was in this position for a short period. Complainant was not able to handle both branches so his title reverted back to Branch Manager.

On or about October 28, 2013, Complainant was discharged because of his poor work performance. Complainant's discharge had nothing to do with his age. Nor was he retaliated against for complaining about an alleged discriminatory remark about his age made by his District Manager, Chris Miller. Complainant was discharged for not improving on his performance plan. Furthermore, there are no reports to show that Complainant reported to anyone that his District Manager told him he was too old to do his job.

### **RESPONSE TO ALLEGATIONS**

Complainant alleges that he has been discriminated against on the basis of his age and retaliated against for reporting the alleged discrimination. Complainant's allegations have been carefully investigated by Labor Ready, and as set forth in detail below, no discrimination has been found.

In order to establish a *prima facie* case of discrimination based upon his age. Complainant must demonstrate that: 1) he is a member of a protected group; 2) he was subjected to an adverse employment decision based upon his age; and 3) was treated less favorably than other similarly situated employees outside of his protected groups. These issues will be addressed below. If Complaint meets the burden of proof, Labor Ready may defeat this claim by articulating a legitimate, non-discriminatory reason for the employment action.



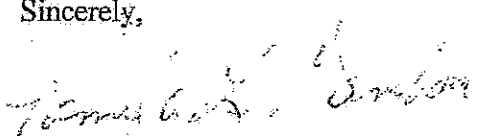
Labor Ready admits that Complainant is a member of a protected group (over the age of 40). Labor Ready also admits that it took adverse action when it terminated him. However, Labor Ready terminated Complainant for a legitimate business reason—poor work performance. As such, he was treated similarly to any other individual who had poor work performance. Labor Ready's decision to terminate him was not motivated in any way by his age.

### CONCLUSION

True Blue/Labor Ready is a company that greatly respects and values the abilities and talents of all of its employees. The Company's commitment to ethics and fair treatment of its employees forms the foundation for the entire organization. From the highest levels, the Company insists that its equal employment opportunity and anti-harassment/discrimination policies be strictly enforced. Complainant fails to make any showing that he has been a victim of any form of discrimination by Labor Ready. Therefore, Labor Ready requests that Complainant's charges be dismissed.

Thank you for your cooperation in this matter and if you have any questions or concerns, please do not hesitate to contact me directly at (253) 680-8472.

Sincerely,



Pamela L. Gamboa  
Senior Paralegal  
TrueBlue, Inc.  
Labor Ready Northeast, Inc.  
[pgamboa@trueblue.com](mailto:pgamboa@trueblue.com)

**Exhibit #1**



# Branch Manager Performance Appraisal

Employee Ismael Roman  
 Employee GUA 119292  
 Title Branch Manager  
 Department Cost Center 1768  
 Supervisor Name Christopher Miller

## Reason for Review

<input checked="" type="checkbox"/>	Annual
<input type="checkbox"/>	Promotion
<input type="checkbox"/>	Other

Date 03/27/13

Date of Last Appraisal 04/01/12

☐ ← "X" here if first appraisal

## Instructions

Carefully rate the employee's work performance in relation to TrueBlue Values, Core Competencies, Related Behaviors, Management and Supervision competencies. If the category is applicable select "Y" then apply rating points corresponding to the employee's performance using the rating scale. If the category does not apply, select "N". The points will be totaled and averaged automatically.

Rating Scale				
	2 = Sometimes		4 = Almost Always	
	Explanation: Marginal performance; meets work expectations sometimes. Represents an opportunity and need to improve.		Explanation: Solid performance; exceeds work performance expectations. Represents high-level performance that positively affects the business.	

<ul style="list-style-type: none"> <li><b>True</b> - Demonstrates direct and ethical behavior that represents the TrueBlue value of being true. Establishes personal integrity and credibility. Stands behind what they do. Follows through on commitments.</li> <li><b>Passionate</b> - Demonstrates passion, an attitude of gratitude and builds strong working relationships. Contributes to a collaborative climate and eagerly seeks new assignments and opportunities to grow.</li> <li><b>Responsible</b> - Demonstrates a commitment to accountability and assumes ownership for results. Employee understands and communicates their impact and role in achieving TrueBlue strategic choices and initiative.</li> <li><b>Creative</b> - Impresses and builds internal and/or external customer loyalty with creativity and resourcefulness in terms of servicing their needs. Employee is a resourceful thinker who explores all opportunities. Takes calculated risks.</li> <li><b>Respectful</b> - Establishes and maintains positive and productive work relationships. Respects associates and their diversity as an essential component of the way we conduct business. Encourages the heart by recognizing key contributions and showing appreciation for individuals and the team.</li> </ul>
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Overall TrueBlue Values Rating

5.00

Manager's Comments:

Izzy has been able to provide leadership throughout the district as well increasing the competency of his own csr team.

*Check the applicable categories to use for this appraisal. Not all ratings may apply to this employee.*

Category	Rated?	Rating	Supportive Details/Comments
<b>Leadership/Ensures success of Branch Staff</b> – Coaches and develops team by providing feedback and delegating responsibilities in order to develop new skills. Reassures team members after a setback. Recruits and retains branch employees. Motivates employees and provides focus and vision. Demonstrates passion, an attitude of gratitude and builds solid working relationships. Readily available to staff at all times.	<input checked="" type="checkbox"/>	4.00	Izzy has very tenured CSR's, his branch had a setback year in 2012, through his leadership the branch has been able to not only rebound but they have a dramatic increase in sales growth and GM
<b>Sales Orientation</b> – Drives branch sales. Achieves targeted profit margins. Follows up with customers and performs job site visits as needed. Fosters and maintains the CSP Sales Culture. Holds everyone in the branch responsible for participating in sales.	<input checked="" type="checkbox"/>	4.00	Izzy understands that the CSP sales process help him to recover from bad year, he holds his CSR's accountable for internal and external sales activities. He built a legacy of customer service that bring old customers back to his branch year after year.
<b>Customer Loyalty</b> – Treats employees, management and outside contacts like valuable customers. Ensures the highest quality customer service is provided to all branch customers and temporary workers.	<input checked="" type="checkbox"/>	4.50	Izzy treats everyone with respect and he believes that it will always come back to him that way. He believes that there is a connection between customer loyalty and repeat business.
<b>Entrepreneurial Orientation</b> – Treats Labor Ready's Business like his/her own. Has an appropriate level of understanding of the business model of Labor Ready and the overall blue-collar staffing industry. Understands our strategic framework. Self-starting, resourceful and turns problems into opportunities. Seeks new assignments and additional duties from District Manager.	<input checked="" type="checkbox"/>	4.50	Izzy has owed this position since day one, he understands that in his role he can act and inform DM, He runs it like it was his own business and he also knows that he's accountable for the results.
<b>Best Match Dispatch</b> – Selects the appropriate temporary worker for the job. Analyzes the request and requirements of the customer. Provides the best match based on personnel available. Ensures dispatch decisions are not based on discriminatory practices. Ensures workers arrive at job site.	<input checked="" type="checkbox"/>	4.00	Izzy has the ability to determine the highest caliber on TA's and understand that in the event the TA's may not be the best fit he and his team can quickly replace and recover from that decision.
<b>Operations Compliance</b> – Ensures Branch compliance with Labor Ready guidelines and practices. Sets the example for compliance	<input checked="" type="checkbox"/>		Izzy understand that compliance is a work in progress and is striving try to be proactive and not just reactive and is working on this with his team as well.

with company practices, guidelines, health and safety. Utilizes WOTC. Reviews corrective action notices with District Manager before presenting to subordinates. Complies with records retention requirement. Accurately tracks sales activity in Sales Now.		3.00	
<b>Safety</b> – Reinforces and promotes a work culture that places emphasis on worker safety being #1. Year-over-year worker safety ratio reduction in the Area, reducing injury-related costs.	<input checked="" type="checkbox"/>	4.50	Izzy had a very good year, his branch almost had a full year with no injuries, safety has been an awareness piece for his branch and he and his team value having a great safety record.
<b>Multi-Tasking</b> – Handles multiple demands with effectiveness and enthusiasm. Divides time between tasks to ensure profitability, growth, and professional development.	<input checked="" type="checkbox"/>	3.50	Izzy believes that multi tasking is not an issue, he has a good working relationship with DM. He can handle many different aspects of running this business within this industry.
<b>Organization</b> – Efficiently plans, organizes and streamlines processes. Effectively manages time and prioritizes. Sets up branch in accordance with Branch Operations manual.	<input checked="" type="checkbox"/>	4.00	Izzy understands that running a branch is not difficult, if we follow the outline that has been provided by our operational process.
<b>Energy and Enthusiasm</b> – Portrays a positive attitude. High-stamina. Ability to work in a fast paced environment.	<input checked="" type="checkbox"/>	4.00	Izzy has had a opportunity to go through a rough spot in his career with Labor Ready, He has not only come through that low period but he has rebounded in great fashion
<b>Open Communication</b> - Good listening skills. Shares information. Written and verbal communications are clear and concise. Communicates frequently with subordinates and District Manager. Approaches others in a non-threatening, consensus-building manner. Persuades others by using facts, figures, logic or clear examples to build a compelling argument or to convey a complex idea.	<input checked="" type="checkbox"/>	4.00	Izzy thinks that on a positive side he can response and challenge things he thinks can be done a better way. Izzy can push back in a positive way and show leadership when needed. He has been strong but respectful. He CSR's respect him more because of some of the decisions his made that directly affect them.
<b>Work Ethic</b> – Demonstrates the extra effort it takes to get the job done. Accessible at a moments notice to resolve issues in the branch.	<input checked="" type="checkbox"/>	3.50	Izzy always keeps phone on, he is very in tune to branch happens, he has structured his branch in such a way that allows his CSR team to make decision based on their leadership capabilities.
<b>Adaptability</b> – Adapts to change. Re-examines established practices in light of new information, directives or alternatives.	<input checked="" type="checkbox"/>	3.50	Izzy excepts that fact that he will not make snap decisions based on new information, he really evaluates the change before he buys into it.
<b>Decision Making / Judgment</b> – Exercises good judgment in line with company values, goals and objectives. Makes consistent and fair logical decisions.	<input checked="" type="checkbox"/>	4.00	Izzy continues to run branch in an ethical way and makes sound business decision.
<b>Teamwork</b> – Works with other branches in the District to achieve customer satisfaction. Recognizes accomplishments of branch employees. Evaluates and benchmarks team performance. Fosters an environment of inclusion. Uses creative ways to reward success.	<input checked="" type="checkbox"/>	5.00	Izzy has always been a team player, he routinely rewards his branch with different ways of encouraging the heart of his people. He comfortable with building great relationship with all. He has built loyalty among his staff.
<b>Diversity</b> – Seeks to achieve diversity in assigned branch, ensuring candidates are being considered from a vast pool when selecting individuals for recruitment, promotion and retention. Embraces the talents of people.	<input checked="" type="checkbox"/>	4.00	Izzy has no problem with making decision based on putting the right person on the job, Izzy understands that diversity is a advantage not a disadvantage and that is more than just about color.

and retention. Embraces the talents of people with unique perspectives, experiences and cultures.			
<b>Financial Performance</b> – Sets appropriate margins and controls costs to guarantee achievement of sales, profit margin and market share goals. Rate based upon an average of the Manager's last four quarter's report card scores. Convert as follows: A=5; B=4; C=3	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Y</div>	3.00	Izzy is very able to breakdown P&L, even after having a slow start to 2012 his branch was able to show a profit for the year.

Total Core Competencies (TCC)	Rating Points (RP)	Overall Average Rating = (RP/TCC)
18	72.00	4.00

Total Average Rating	Overall Rating
4.00	Solid Performance: Exceeds expectations frequently

Overall Average Rating 4.00

3.00	Satisfactory Performance: Meets expectations
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### Branch Manager Appraisal Overview and Development Plan

**Outstanding accomplishments or new abilities demonstrated since last review:**

Izzy has applied for a DM position and put his name in the hat for future opportunities in that leadership role.

**Goals for the next Review Period:**

Izzy would like to have an increase in sales year over year, and possibly adding an addition Csr to help branch continue to grow.

**Areas to Develop/Improve:**

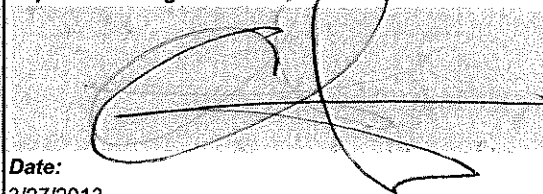
Izzy understands that there is room for improvement, he would like to have a more universal approach to growth in his sales process, compliance and coaching an other aspects as well.

**Employee Signature:**



Date:  
3/27/2013

**Supervisor's Signature:**



Date:  
3/27/2013

**Exhibit #2**

## Labor Ready, Inc. - Current Month = 2013/08

1768 - Newburgh, NY

Layer 351 of 416

	Current Month		Same Month Prior Year		YTD		Prior YTD	
	Actual	% of Sales	Actual	% of Sales	Actual	% of Sales	Actual	% of Sales
Net Sales	\$86,902	100.00%	\$69,360	100.00%	\$779,551	100.00%	\$467,208	100.00%
Wages Paid to Workers	\$48,708	56.05%	\$37,180	53.60%	\$412,789	52.95%	\$238,652	51.08%
Payroll Taxes & Benefits	\$7,609	8.76%	\$5,987	8.63%	\$69,830	8.96%	\$39,383	8.43%
Workers Compensation	\$9,363	10.77%	\$3,581	5.16%	\$74,769	9.59%	\$28,764	6.16%
Trans & Oth Exp.	\$2,338	2.69%	\$1,608	2.32%	\$18,116	2.32%	\$13,689	2.93%
Workers' Tax Credit	(\$1,331)	-1.53%	\$0	0.00%	(\$3,018)	-0.39%	(\$34)	-0.01%
Cost of Sales	\$66,687	76.74%	\$48,356	69.72%	\$572,485	73.44%	\$320,454	68.59%
Gross Margin	\$20,215	23.26%	\$21,004	30.28%	\$207,065	26.56%	\$146,754	31.41%
Salaries, Wages & Benefits	\$11,299	13.00%	\$10,592	15.27%	\$96,815	12.42%	\$101,005	21.62%
Net Margin	\$8,917	10.26%	\$10,412	15.01%	\$110,250	14.14%	\$45,749	9.79%
Bad Debt	\$8,130	9.35%	\$224	0.32%	\$7,089	0.91%	\$81	0.02%
Bank Service Charges	\$414	0.48%	\$322	0.46%	\$3,652	0.47%	\$2,083	0.45%
Branch Supply Expense	\$481	0.55%	\$839	1.21%	\$4,239	0.54%	\$4,471	0.96%
Business Taxes & Insurance	\$0	0.00%	\$0	0.00%	\$22	0.00%	\$169	0.04%
Communications	\$1,031	1.19%	\$1,144	1.65%	\$8,400	1.08%	\$8,607	1.84%
In House Labor Use	\$0	0.00%	\$0	0.00%	\$1,902	0.24%	\$145	0.03%
Legal Expenses	\$330	0.38%	\$330	0.48%	\$2,640	0.34%	\$2,640	0.57%
Local Advertising	\$7	0.01%	\$2	0.00%	\$346	0.04%	\$98	0.02%
National Advertising	\$60	0.07%	\$24	0.03%	\$144	0.02%	\$547	0.12%
Printing	\$20	0.02%	\$24	0.03%	\$1,159	0.15%	\$1,216	0.26%
Recruiting / Retention	\$0	0.00%	\$9	0.01%	\$55	0.01%	\$179	0.04%
Rent	\$2,818	3.24%	\$2,731	3.94%	\$23,072	2.96%	\$23,027	4.93%
Travel	\$1,043	1.20%	\$895	1.29%	\$7,344	0.94%	\$6,007	1.29%
Utilities	\$442	0.51%	\$392	0.56%	\$3,766	0.48%	\$3,592	0.77%
Van Costs	\$0	0.00%	\$0	0.00%	\$0	0.00%	\$0	0.00%
Worker Injury Admin Costs	\$850	0.98%	\$0	0.00%	\$3,425	0.44%	\$0	0.00%
Worker Supplies	\$767	0.88%	\$71	0.10%	\$4,907	0.63%	\$2,061	0.44%
Other Expenses	\$119	0.14%	\$54	0.08%	\$2,120	0.27%	\$1,895	0.41%
Operating Expenses	\$16,512	19.00%	\$7,060	10.18%	\$74,281	9.53%	\$56,817	12.16%
Operating Income before CDM	(\$7,595)	-8.74%	\$3,352	4.83%	\$35,969	4.61%	(\$11,068)	-2.37%
CDM Income / (Expense)	\$0	0.00%	\$0	0.00%	\$0	0.00%	\$0	0.00%
Net Operating Income / (Loss)	(\$7,595)	-8.74%	\$3,352	4.83%	\$35,969	4.61%	(\$11,068)	-2.37%
NOI Benchmark	\$0	0.00%	\$7,005	10.10%	\$10,618	1.36%	\$40,676	8.71%

Labor Ready, Inc. - Current Month = 2013/09									
1768 - Newburgh, NY									
Layer 351 of 416									
	Current Month		Same Month Prior Year		YTD		Prior YTD		
	Actual	% of Sales	Actual	% of Sales	Actual	% of Sales	Actual	% of Sales	
Net Sales	\$152,735	100.00%	\$132,496	100.00%	\$932,286	100.00%	\$599,704	100.00%	
Wages Paid to Workers	\$84,813	55.53%	\$72,812	54.95%	\$497,602	53.37%	\$311,464	51.94%	
Payroll Taxes & Benefits	\$13,148	8.61%	\$11,369	8.58%	\$82,978	8.90%	\$50,751	8.46%	
Workers Compensation	\$16,551	10.84%	\$6,841	5.16%	\$91,320	9.80%	\$35,605	5.94%	
Trans & Oth Exp.	\$5,493	3.60%	\$3,897	2.94%	\$23,608	2.53%	\$17,587	2.93%	
Workers' Tax Credit	\$0	0.00%	\$0	0.00%	(\$3,018)	-0.32%	(\$34)	-0.01%	
Cost of Sales	\$120,005	78.57%	\$94,919	71.64%	\$692,490	74.28%	\$415,374	69.26%	
Gross Margin	\$32,731	21.43%	\$37,576	28.36%	\$239,796	25.72%	\$184,330	30.74%	
Salaries, Wages & Benefits	\$13,827	9.05%	\$13,404	10.12%	\$110,642	11.87%	\$114,409	19.08%	
Net Margin	\$18,904	12.38%	\$24,172	18.24%	\$129,154	13.85%	\$69,921	11.66%	
Bad Debt	\$958	0.63%	\$468	0.35%	\$8,047	0.86%	\$549	0.09%	
Bank Service Charges	\$851	0.56%	\$659	0.50%	\$4,504	0.48%	\$2,742	0.46%	
Branch Supply Expense	\$1,295	0.85%	\$445	0.34%	\$5,533	0.59%	\$4,916	0.82%	
Business Taxes & Insurance	\$23	0.01%	\$31	0.02%	\$45	0.00%	\$200	0.03%	
Communications	\$1,169	0.77%	\$1,145	0.86%	\$9,569	1.03%	\$9,752	1.63%	
In House Labor Use	\$0	0.00%	\$0	0.00%	\$1,902	0.20%	\$145	0.02%	
Legal Expenses	\$330	0.22%	\$330	0.25%	\$2,970	0.32%	\$2,970	0.50%	
Local Advertising	\$338	0.22%	\$35	0.03%	\$684	0.07%	\$133	0.02%	
National Advertising	\$15	0.01%	\$25	0.02%	\$160	0.02%	\$572	0.10%	
Printing	\$34	0.02%	\$166	0.13%	\$1,193	0.13%	\$1,382	0.23%	
Recruiting / Retention	\$211	0.14%	\$50	0.04%	\$266	0.03%	\$229	0.04%	
Rent	\$2,818	1.85%	\$2,793	2.11%	\$25,890	2.78%	\$25,820	4.31%	
Travel	\$1,274	0.83%	\$1,044	0.79%	\$8,618	0.92%	\$7,051	1.18%	
Utilities	\$539	0.35%	\$556	0.42%	\$4,305	0.46%	\$4,148	0.69%	
Van Costs	\$0	0.00%	\$0	0.00%	\$0	0.00%	\$0	0.00%	
Worker Injury Admin Costs	\$0	0.00%	\$750	0.57%	\$3,425	0.37%	\$750	0.13%	
Worker Supplies	\$3	0.00%	\$664	0.50%	\$4,909	0.53%	\$2,725	0.45%	
Other Expenses	\$255	0.17%	\$632	0.48%	\$2,375	0.25%	\$2,527	0.42%	
Operating Expenses	\$10,113	6.62%	\$9,794	7.39%	\$84,395	9.05%	\$66,612	11.11%	
Operating Income before CDM	\$8,791	5.76%	\$14,378	10.85%	\$44,760	4.80%	\$3,309	0.55%	
CDM Income / (Expense)	\$0	0.00%	\$0	0.00%	\$0	0.00%	\$0	0.00%	
Net Operating Income / (Loss)	\$8,791	5.76%	\$14,378	10.85%	\$44,760	4.80%	\$3,309	0.55%	
NOI Benchmark	\$0	0.00%	\$19,742	14.90%	\$10,618	1.14%	\$60,418	10.07%	



**Exhibit #3**

**RE: LAST WEEK RECAP**

Miller, Christopher

**Sent:** Monday, July 29, 2013 8:50 AM**To:** 1753 - Branch; 1763 - Branch; 1765 - Branch; 1767 - Branch; 1768 - Branch; 1868 - Branch; 2860 - Branch; 2922 - Branch; 3221 - Branch; Brunori, Michael; Caraballo, Carlos; Catalano, John; Coleman, Anita; Dardano, Joseph; DeCrescenzo, Robert; Delena, Samantha; Francisco, Brian; Grunder, Mary; Hawthorne, Jean; Jones Woodson, Robin; Hays, Kelli-Anne; Kowiatek, Jason; Lamie, Mary; Lewis, Chad; Miller, Christopher; Morrissey, Annette; Parker, Nubia; Rivera, Dana; Roach, Rebecca; Rodriguez, Janette; Roman, Ismael; Romanowski, Michael; Serrano, Maria; Varacalli, Tracy**Cc:** Tower, Mark**Attachments:** 07-26-2013.pdf (134 KB)

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SORRY FOR THE DELAY, HAD TROUBLE PULLING NUMBERS!!

We had Momentum towards Sales Dollars, District had **32.9%** sales growth (pro forma **9.0%**), we had 4 OUT OF 8 branches with sales growth this week? District had a BIG SLIDE in Gross Margin from 27.8% to 26.5% (Keep Pushing your Margins, we should be getting better each week)

This Week's Top Performers:

- Brian and Team had 133.1% and GM % 23.2 What Happen on Margins
- Izzy, Sam and Tracey had 128.5% sales growth, Gross Margin @ 26.4%.
- **ALL 8 BRANCHES over 25K, (FIRST TIME THIS YEAR) WORKING ON keeping 8 OUT OF 8 ,**

**Team, remember, As always we need to know what accounts serviced last week that will not be returning this week and WHY?**

**FYI – Month of JULY sales to beat!**

	<b>1753</b>	<b>1763</b>	<b>1765</b>	<b>1767</b>
	<b>1768</b>	<b>1868</b>	<b>2922</b>	<b>District</b>
<b>Sales</b>	<b>\$26,976</b>	<b>\$18,063</b>	<b>\$21,440</b>	<b>\$32,457</b>
	<b>\$15,045</b>	<b>\$28,941</b>	<b>\$28,773</b>	<b>\$171,695</b>

Sales	\$29,303	\$10,727	\$20,093	\$30,969
\$16,093	\$186,586	\$37,202	\$330,973	

Sales	\$18,793	\$19,295	\$17,013	\$30,539
\$16,292	(\$118,817)	\$31,986	\$15,101	

Sales	\$32,783	\$16,063	\$22,147	\$37,007
\$21,930	\$41,423	\$35,088	\$206,442	

**District Last Year \$171,695- TEAM THESE NUMBERS ARE ONLY GOING TO GET BIGGER EACH WEEK,**

**TAKE A LOOK AT WHAT YOU WERE DOING THIS TIME LAST YEAR, CAN WE RECAPTURE THAT BUSINESS??**

**We have got to use THE FUNNEL as a TOOL not a TASK!---Don't wait until FRIDAY to work your FUNNEL**

Christopher Miller | District Manager | Labor Ready  
165 S.Pearl St, Albany, New York 12202  
(m) 404-391-5964  
(f) 404-920-2704  
[cmiller@laborready.com](mailto:cmiller@laborready.com)

**A TrueBlue company**

**Exhibit #4**

## Harrasment

Roman, Ismael

**Sent:** Monday, August 19, 2013 4:33 PM  
**To:** Rivera, Melanie; Tower, Mark  
**Cc:** Roman, Ismael  
**Importance:** High  
**Sensitivity:** Confidential

---

Hello,

The purpose of this email is to put in a compliant on Chris Miller my current District Manager. I have been with Labor Ready since 2007. I have had 4 different DM's and have been the MBM for White Plains (1767) and Newburgh (1768). 6 out of the 7 years have shown positive growth and I am currently up 75% for the year. I have excellent yearly reviews since I have started. I have been a Branch Manager, Multi-Branch Manager and a Training Branch Manager. Chris has brought on new managers and sent them to a branch that was not certified for training instead of sending them to me. He hired a fellow BM from Atlanta to manage a branch that I was an MBM at. Instead of sending him to me which is only 1 hour away, he sent him to utica which is a 4 hour ride. He paid for a hotel for him and he brought his wife along. During the regional conference he allowed and paid for his wife to accompany him and paid for her dinners. I also heard that this Wednesday that Manager is going to Albany for O.S.H.A training and he's taking his wife.

Since coming to this district Chris has written me up twice. One was a final warning without even getting all the information, He got upset because I refused to sign it. After threatening to send it to HR and his RVP he changed it.

I have had conversations with other Managers and they are intimidated by him but will not say anything because they are afraid to loss there jobs. Two past Managers decided to quit than to work with him. I know for a fact that you would want to know what is happening in this district.

On Friday the 16th I sent Chris and email to advise him that my CSR was going to get 1 hour of overtime ( he will not approve any overtime) because my other CSR called out and I was done working that day at 3pm because I had something I had to take care of. He denied my request and expected me to go back to the branch and close. He follows up on that email telling me that I have to now call him FROM the branch at 8am and 3pm everyday and I would be written up if I did not comply.

I had to cancel a big appointment with a customer that could have order 50 + workers a day for a week just in order to stay at the branch to make my 3pm call today. I have voiced my opinion and he is holding me back from doing my job. I cover 240 square miles for this branch.

Last year Mark Tower wanted me to cut my CSR hours to 20 each because we were in a bad slump. I said no and that I needed them to help me grow the business back. Mark agreed with me and we are now up 75% year over year.

I refuse to be a stay in office manager as this is going to affect my performance as a manager. If he feels that I am not doing my job I would prefer to be let go so he can find someone else to his liking. Please let me know what is going to happen.

I work here because I enjoy doing what I do and I enjoy working for Trueblue. I hope that my time here these last seven years will count for something. I have 3 small children that need me to provide a stable home and health insurance for them. I will not take his actions against me laying down. Retaliation is illegal.

# Exhibit #5



## Performance Improvement Plan

**TO: ISMAEL ROMAN**

**FROM: CHRISTOPHER MILLER**

**DATE: 08-23-2013**

**SUBJECT: Performance Improvement Plan**

During the past 8 weeks, it has become increasingly evident to me as your direct manager that you have not been performing your assigned work in accordance with what is expected of a *Branch Manager*. Specifically you have been counseled about the following unacceptable levels of performance:

- Funnel Activity task not being completed properly
- Oversight of Branch Operations not meeting expectations

TrueBlue values you as an employee, and it is management's intent to make you fully aware of this situation and to assist you in improving your work performance. However, it is important that you realize the responsibility to improve is yours alone and that there are consequences for your failure to correct these performance deficiencies and to maintain an acceptable level of sustained performance over time.

As a result, you are hereby being placed on a written Performance Improvement Plan. For the next 60 days, from *08-19-2013 to 10-18-2013*, your work will be closely monitored by me and others on your leadership team. In order to make progress against and successfully complete this Performance Improvement Plan you must demonstrate immediate and continuous improvement in the following areas.

Performance	Improvement	Improvement	Target Date for
-------------	-------------	-------------	-----------------





Improvement Objectives	Plan Goals	Plan to meet Goals	Reaching Goal
1. Increased Sales Funnel Activity in the next 60 days.	BM is expected to work Funnel leads for completion, CSR will no longer be expected to <u>complete</u> the funnel and forward to BM to forward to DM.	Plan Branch Staff's work day in detail and develop more effective check and balance systems. Make sure support staff is fully trained on internal processes and procedures to allow you more quality sale time.	Weekly
2. Increase Sales Efforts in accordance with our Sales Strategy and service offerings, by increase Weekly Average Branch Sales in the next 60 days.	Document and track sales daily with DM to ensure that we maintain the expected level of results. Increase current average weekly sales from \$21,500 to \$25,000 per week	BM must contact DM daily at 8am from office prior to hitting the field, and once again when you return to office at 3. All business cards and customer visits are to be documented on a Mileage Log and faxed to DM daily. (404-920-2704) 60 bricks dropped a week, 8 appointments per week sent to Chris by way of Outlook. Weekly Funnels full and sent to Chris every Friday.	Daily/Weekly
3. 100% compliance and delegation to all Site Surveys and Safety	Site visits to be done by a staff member and managed by the BM. Safety wall current, 100% on <u>PPE policies on zero tolerance.</u>	BM is to do zero site surveys unless they surround a new customer. Site Survey Goals to be hit and obtained -5 total	Weekly



processes,			
4. Branch Operational Goals continuously reached and consistent.	90% compliance metrics to E-Verify and Background compliance Aging metrics less than 3% over 60 days. Branch Consultation Score of 70% or better.	The manager has all the tools, resources and documents needed to obtain the district, regional and company operational goals. Special projects included	Weekly

I will be the one reviewing your progress on each of the above items requiring improvement every *weekly*. I trust that in doing so I can help guide you to becoming a contributing employee of TrueBlue Inc.

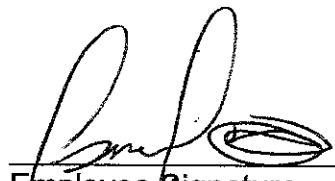
Improvement must occur immediately and must be maintained. If any portion of this improvement plan is violated at any time during the specified timeframe, disciplinary action up to and including the separation of your employment with TrueBlue may occur. Furthermore, in order to ensure that you maintain an acceptable level of sustained performance over time, a diminishment in your performance after successfully completing the Performance Improvement Plan may result in being dismissed from TrueBlue without the issuance of another warning or Performance Improvement Plan.

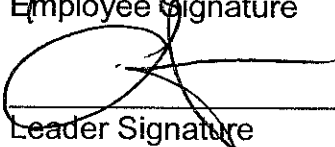
As always, our Open Door Policy is available for you to discuss any concerns. As your direct manager, I stand ready to help you address these identified performance deficiencies. However, you are being put on notice through this Performance Improvement Plan that the ultimate responsibility for correcting your performance deficiencies rests solely with you

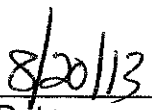
Your signature acknowledges this discussion and your understanding of the contents of this

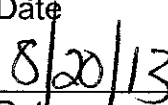


Performance Improvement Plan. It does not indicate agreement or disagreement with this plan.

  
\_\_\_\_\_  
Employee Signature

  
\_\_\_\_\_  
Leader Signature

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Date

**Exhibit #6**

## RE: days off

Rivera, Melanie

**Sent:** Tuesday, August 20, 2013 4:48 PM

**To:** Roman, Ismael; Miller, Christopher

---

Izzy,

Please explain how taking the time off will make you feel better next week?

-----Original Appointment-----

**From:** Roman, Ismael

**Sent:** Tuesday, August 20, 2013 4:48 PM

**To:** Miller, Christopher

**Cc:** Rivera, Melanie; Roman, Ismael

**Subject:** days off

**When:** Wednesday, August 21, 2013 12:00 AM to Monday, August 26, 2013 12:00 AM (GMT-05:00) Eastern Time (US & Canada).

**Where:** Newburgh

Chris,

As we discussed in my office. I will be taken the rest of the week off. It makes me feel uncomfortable and nervous to work in a hostile environment. I will look to return on Monday.

# Exhibit #7

**Re: Getting on the Same Page**

Rivera, Melanie

Sent: Monday, August 26, 2013 9:35 AM

To: Roman, Ismael

Cc: Rivera, Melanie

Yes. Unfortunately Mark is unavailable this week. We were available Last week and Monday this week but unfortunately everyone was not. Mark is out at meetings the rest of the week.

You will still be accountable for the contents of your PIP in the meantime.

I tried to pull together something sooner but with various individuals being out of the office, yourself included, this was the soonest I could do.

Thanks for your patience,

Melanie

On Aug 26, 2013, at 9:24 AM, "Roman, Ismael" <iroman@laborready.com> wrote:

> Melanie,

>

> When we spoke you said you would carve out some time for all of us to try to make this work. I mentioned the following:

>

> On 8/14/2013 Chris came to my branch because he had wanted to see Manheim auto in action. We had 13 workers there that day. While in my car he said, "Now that you are getting old, you should have a parallel career". I did not understand what he meant. He said everything seemed good and did not mention any issues with me or my branch.

>

> On 8/16/2013 I emailed Chris at 4:37pm to advise that I would have to give Tracy my CSR 2 extra hours of straight time. ( I sent you the email) Chris expected me to go back to office and close after I told him I was done for the day. His response was retaliation by saying I had to call him everyday from the office at 8am and 3pm.

>

> On 8/20/2013 Chris came into my office at 4pm and handed me a action plan. I told him that he was setting me up to fail by micro managing. He said that "maybe I was to old to do this action plan".

>

> I told him that my branch was up for the year compared to last year. He is only doing this with me not any other branches even with them having less sales and increases. I signed the plan only because it said that by me signing does not mean that I agree with it, Which I do not.

>

> You and I spoke on 8/23/2013 and I told you that I am currently in a hostile working environment. With that, we were going to try to make things work by having a first thing conference call when I was to return on 8/27/2013. Now I have to work without any HR involvement till next week in this current situation.

>

>

>

> Ismael Roman Jr. | Branch Manager | Labor Ready Inc.

> 405 Broadway, Newburgh, NY 12550

> Office 845-562-1920



> Fax 845- 562-1349  
> Cell 845-616-3105  
> iroman@laborready.com  
>  
> A Trueblue Company  
>  
> 

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From: Rivera, Melanie  
> Sent: Friday, August 23, 2013 6:30 AM  
> To: Miller, Christopher; Roman, Ismael; Tower, Mark  
> Subject: Getting on the Same Page  
> When: Tuesday, September 03, 2013 9:00 AM-10:00 AM.  
> Where: 877-388-3905 #7391900492  
>  
> When: Tuesday, September 03, 2013 9:00 AM-10:00 AM (GMT-05:00) Eastern Time (US & Canada).  
> Where: 877-388-3905 #7391900492  
>  
> Note: The GMT offset above does not reflect daylight saving time adjustments.  
>  
> \*\*\*\*\*  
>  
> It looks like there is more availability before this date. Mark and I are both out of the office next week so this will have to be postponed until the following Tuesday, after Labor Day.  
>  
> Regards,

9/10

**Exhibit #8**

**RE: BAD DAY @ MANHEIM NEWBURGH**

Miller, Christopher

Sent: Thursday, August 29, 2013 4:52 AM

To: Roman, Ismael

---

Ok Izzy,

Let's discuss on our 8am call today.

Chris Miller DM Eastern NY/PA | TrueBlue

Verizon Wireless 4G Galaxy 3 Smartphone

----- Original message -----

From: "Roman, Ismael" <iroman@laborready.com>  
Date: 08/28/2013 10:05 PM (GMT-05:00)  
To: "Miller, Christopher" <CMiller@laborready.com>  
Cc: "Roman, Ismael" <iroman@laborready.com>  
Subject: RE: BAD DAY @ MANHEIM NEWBURGH

Chris,

I think it's a great idea to take time and visit customers that is what I do everyday. I would have appreciated an invite on your outlook calendar that way I would have joined you in meeting Steve. As I told you when I called you today at 3, the concerns and issues that have always been a problem is Newburgh as I stated in my previous email. We sent out every driver we had available. Today we had a job in Boiseville (75 min away), Ellenville (65 min) away and Peekskill (60 min away).

Yes we can use some advertising for recruiting, Thanks for working on that. Regarding the PIP, you are offering your help, how? You get involved in EVERY email, phone call and order that is placed with us. You want me to spend a good portion of my day giving you a play by play on everything that happens in my branch right down to the cleaning supplies that we order. Sir, this is called excessive micro managing and it is that type of management that I cannot take. Within the last two weeks you have cause me much stress even to the point that you would have all my vacation time denied. A regional policy is thrown at me that I have never heard. You stated no more than two weeks at a time for all employees at the BM level and up. Yet I know of people that take a month each year. As I mentioned to you, Mark Tower and Human Resources, you are setting me up to fail. You look for and concern yourself with each and every opportunity to find a mistake that we are doing. You do not allow not even 1 minute of overtime. You are pointing me out as you are not treating me the same as the other branches in the District that are also in the 20k range.

I will accept anyone's sincere help in assisting and coaching me and my staff in building up my sales, but the way you expect things done is not called for. You call me and talk to me one way on the phone then you sweeten it up in an email. Today, I told you that I already knew what path you were on and that I would voice my concerns throughout the process.

Ismael Roman Jr. | Branch Manager | Labor Ready Inc.  
405 Broadway, Newburgh, NY 12550  
Office 845-562-1920  
Fax 845-562-1349  
Cell 845-616-3105  
iroman@laborready.com